



ESAO

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High Risk and Last Chance Initiatives in the Education Sector

The High Risk and Last Chance Initiatives were introduced to Ontario in July 2004 in five industrial sectors – construction, electrical & utilities, industrial, healthcare and retail. During 2006 the scope of the initiative was expanded until it now includes almost all of the economic sectors of the province. As the program has evolved, it has been continuously improved. The selection process and the selection criteria have been refined to ensure that the firms identified are, in fact, those firms with the highest injury frequency and cost in the province.

While the selection process and criteria are the same for all of the firms identified each year, the manner in which the Safe Workplace Associations contact, engage and work with the Last Chance firms in each sector differs. The purpose of this article is to describe the process that is currently in place in the Education Sector, with the understanding, of course, that this process will be reviewed and may be improved for the 2007/8 year.

Firm Selection - Criteria

The process for the 2006/7 year began in December of 2005, when the Ministry of Labour searched the WSIB database with an algorithm that reviewed data as of November 2005. There were six criteria:

1. Lost-time injury rate for 2002, 2003 and 2004, weighted so that 2004 was worth 10, 2003 was worth 1 and 2002 was worth 0.1.
2. The average weighted costs of lost time injuries over the same period, with the same weighting.

3. The excess cost of lost-time injuries in 2003 and 2004 as compared to the sector average.
4. The no lost-time injury rate averaged over 2002 to 2004, weighted as above.
5. The average weighted costs of no lost-time injuries in 2003 and 2004.
6. The excess cost of no lost-time injuries in 2002 to 2004 as compared to the sector.

All firms in each sector are ranked according to each criterion, and then the rankings are combined into one index. In each sector a minimum of 2% of the total number of firms are selected as High Risk firms, and in high risk sectors, a higher number is selected. Lost-time injuries related to malignancies and pneumoconiosis are excluded from the analysis, as they are more likely to arise from workplace conditions of many years ago rather than over the past three years. Any no lost-time injuries with no costs recorded in the WSIB files are not included in the analysis.

In addition to the above, firms must have at least one lost-time injury in the period 2002 to 2004, and the weighted costs of all injuries must be more than \$3,000 or there must be one serious injury to be included in the 2% (High Risk) list.

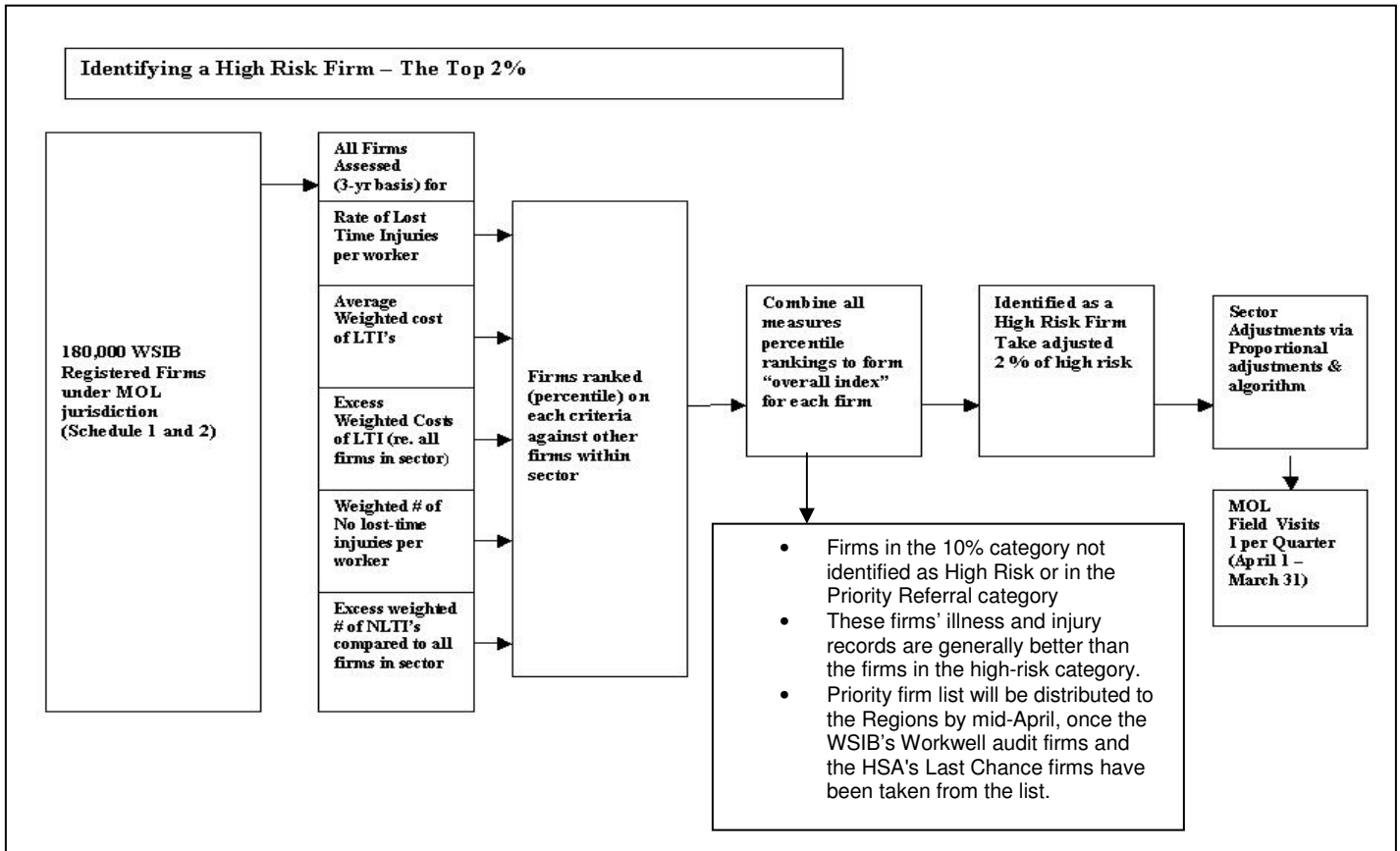
Firm Selection - Process

In the education sector there are approximately 1,400 firms assigned to ESAO in any given year, and this number does not fluctuate nearly as much as does the firm list for construction or retail establishments. Therefore, the education sector High Risk (2%) list for any given year could include almost 30 firms identified by the algorithm as having the worst performance in the sector. In addition, there will also be between 110 and 130 firms in the Last Chance category, having been identified as being in the group of 10% of sector firms with the worst performance, but not in the 2% with the very worst performance according to the selection criteria.

The High Risk list (2%) is distributed by the Ministry of Labour to the field offices. It is not shared with the Safe Workplace Association. There may be interaction

Inside this issue: Highlights for Fall 2006

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between the Ministry central office and the WSIB account managers regarding the final 2% list, as WSIB is more likely to know if firms have shut down, moved, etc.

The 8% list (the Last Chance list) is sent to the Safe Workplace Association by the WSIB. Each Association can select firms from that list as determined by their workload, by their capacity to take on additional commitments, and by the likelihood they will be able to work successfully with the firms to improve their performance. In 2005, ESAO received a list of 126 firms from the WSIB, and we elected to offer assistance to all of them. In 2006, the process yielded another group of firms, and we offered assistance to all of them as well. To date, we have offered our assistance to 144 firms.

In other sectors, not all firms have been selected. If a firm is not selected by the Safe Workplace Association, the Association notifies the WSIB, who in turn notifies the Ministry of this fact.

These firms become Priority Firms, and may be visited once over the course of the year by Ministry of Labour inspectors.

In the event that a firm on the Last Chance list refuses an offer of assistance from an Association, that firm is referred back to the WSIB. The WSIB will discuss the situation with the firm, to determine if they are attempting to improve their performance in another way. If the firm is making no effort to improve their health and safety performance, they will be referred back to the Ministry of Labour by the WSIB, as Priority Referrals. Priority Referral firms will receive two visits over the course of the year by Ministry of Labour inspectors.

In terms of the timetable, the initial selection is based on the November WSIB database, and the firms are selected in December and January. This list of firms representing the top 10% of firms with the highest injury frequency and cost is reviewed within the Ministry

of Labour and the WSIB. The schedule calls for the 2% lists to be sent to the field and the next 8% list of firms is sent to the Associations at the beginning of February. The lists should be finalized by the end of February, and the final work planning takes place during March. The program operates on the Ministry's fiscal year, which begins in April. At the beginning of April the Ministry field staff will have their final 2% and Priority lists, and the Associations will have their final Last Chance lists. Priority Referrals can be made at any time during the year.

This is a complex process, involving thousands of firms each year. And, each year the process is improved. The goal is to make sure that those firms which have the highest risk of injuring more workers in the year ahead receive the attention and support they need to improve their performance in this area.

ESAO is in our second year with this initiative. Most firms on the education sector 8% list have elected to work with us. As noted, we currently have 144 firms on

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our list of Last Chance firms. This number will be reduced during the fall as we identify those firms that have not confirmed their intention to work with us, as well as those firms who indicated a willingness to work with us but which have never followed up. We expect that a number of these firms will become priority referral firms, and this will free up more time for our staff to work with those firms committed to improvement.

We will communicate any changes in this process to our clients as we become aware of them.

STAFFING NEWS

As many of you may know already, ESAO is currently without Field Consultants in the Northwest and Georgian Bay areas of Ontario. While we all experience staff turnover from time to time, this is the second time within a year that these areas do not have their own Field Consultant. During this same period, absences of other key staff restricted the services that we have been able to provide provincially.

Addressing these situations will take some time as staff returning from leave will require a certain amount of time to get up to speed. As we work toward resolving all these issues, we remain committed to providing our clients with the products and services they need. Longer term solutions, especially in those areas currently without a dedicated Field Consultant, will be determined when the results of planning sessions are known.

While we may not be able to visit each workplace in person, we are still just a phone call or an e-mail away – and many clients are already used to ordering materials directly from the head office.

We will keep everyone up-to-date with service delivery through the newsletter (to be published more frequently than in the past years) and through the website. So, please don't hesitate to contact us with any of your needs and concerns –

we may not have Field Consultants living in all areas, but we are committed to working hard to maintain the relationships we have built over the past years.

Our Apologies

We would like apologize to our clients in the Northwestern and the Georgian Bay regions. We have just been made aware that previous emails regarding Field Consultant staffing were not received by our clients in these areas due to technical problems with our new database.

CONFERENCE 2007 Call for Presentations

Speakers are invited to submit proposals for consideration for sessions/workshops at our upcoming Health and Safety Conference. Submissions must contain an outline of the proposed session, background and credentials of the speaker, and approximate fee involved if applicable.

The following tracks will be featured at the conference:

- Back to the Basics for Safety Professionals
- Business Track for Safety Professionals
- Sector Priorities
- Personal Safety – What Worries You
- Due Diligence for the Decision Makers
- General Topics

To be considered as a potential speaker, please fill out the Call for Presentations Form attached and submit a short outline or abstract by October 15, 2006. You are welcome to submit more than one proposal; however, presenters will be limited to only one presentation for the 2007 conference.

Final selections will be made by the ESAO Conference Committee based upon the criteria below.

- Relevancy of the proposed session to specific tracks
- Clarity of session description, purpose and intended results
- Extent to which the proposal presents cutting-edge ideas, experience and learning in the Health and Safety Environment

WHAT WORRIES YOU?

The 2007 conference committee is asking for input with regards to Health and Safety in both your professional and personal lives.

With such a large diverse sector ranging from small museums to large universities and school boards, it is important that we address common and organization-specific issues.

Your organizations are all unique, but often there are departmental or area specific issues, such as in plant, custodial, classroom, libraries or laboratories, that can be addressed.

To ensure your needs are met, please email us at esao@esao.on.ca and put “Conference Committee” on the subject line.

CONFERENCE 2007 Conference Committee

ESAO would like to thank both the individuals and their respective organizations for volunteering to participate on the 2007 ESAO Conference Committee.

- Bill Godoy - University of Toronto
- Claude Arseneau – Volunteer
- Gord Thomson - Fort Erie Public Library
- Maria Brigantino - Fort Erie Public Library
- Natalia Neves - Simcoe Muskoka Catholic DSB
- Ted Rickard - Ontario College of Art & Design
- Tracy Byng - Conference Co-ordinator

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NEW TO THE WEBSITE

- WHMIS Wallet Card
- New Confined Space Regulation
- 2005 Annual Report
- Updated ESAO 7th Annual Conference information

The following checklists are available for download. All checklists below are in a **new interactive Word format.**

- Workplace Violence Employee Checklist
- Workplace Hazard Inspection Checklist
- Workplace Violence Hazard Inspection Checklist
- Risk Factors Associated with hand/arm and back injuries checklist

If you are writing, reviewing or updating your H&S Policies, please review the many links to other University, College and School Policies. If you need any assistance navigating the website or have suggestions for improving the site, please feel free to contact us at esao@esao.on.ca or call your local Field Consultant.

YOU ASKED US!

ESAO and its staff receive many inquiries and questions on a wide array of topics. Some questions of a general nature will be included in this section of the newsletter for the information of all clients. **In all cases, ESAO attempts to obtain the most accurate and up-to-date answer possible.** We do not assume to take the regulatory responsibility for a certain situation, and the client is advised to contact the regulator responsible.

You Asked Us:

ESAO has received several recent inquiries from employers asking if certain activities had to occur and if information they considered confidential had to be released to various individuals or to committees under the Occupational Health and Safety Act .

The employers had received requests for specific actions and information based on the wording “as prescribed” or “when prescribed” and wondered if the clauses meant they had to act based on that wording.

Answer:

The answer is no.....Well, maybe.....

The word “prescribed” is defined in the definition section of the *Occupational Health and Safety Act* as meaning “prescribed by a regulation made under this Act; (“prescrit”)”.

In other words, if a clause refers to “measures and procedures as prescribed” there should be specific requirements in one or more of the regulations, made under the authority of the Act, that have to be met for that specific type of workplace, or specific task.

If there is no specific requirement stated in a regulation under the Act then there is no specific action required. When reading the Act itself always remember that it applies to all workplaces. The regulations may or may not apply to all workplaces. A clause stating “as prescribed” can – and often does – have different meanings in industrial and

construction work sites, since they are covered by different regulations.

The WSIB Certification book states that, “The Act authorizes the Minister of Labour or the Cabinet to enact specific regulations that determine how the law operates. Regulations provide many specific requirements. They are not debated and adopted in public. They are usually drafted by Ministry experts and then approved by the Cabinet, but they cannot contradict the Act. When a provision is made by regulation, it is referred to as being *prescribed.*”

So, you should consider the word “prescribed” as meaning “look in the regulations” or “look in another Act, Code or Regulation” if it is referred to. It is also a good idea to check the list of regulations under the Act. This can be found by referencing the *Occupational Health and Safety Act* under e-laws on the Government of Ontario website. There may be a regulation or codes you were not aware of.

For example, the Act implies that teachers and teaching assistants are exempt, but uses the statement “Except as is prescribed and subject to the conditions and limitations prescribed.....”. What it doesn’t state is that they are not exempt but that there are regulations – “University Academics and Teaching Assistants regulation” and “Teachers Regulation” – under the act that explain how they are covered by the Act and related regulations. The purpose of these regulations is to harmonize the requirements of the *Occupational Health and Safety Act* and other Acts for these groups of workers.

ESAO REGIONAL COURSES & ACTIVITIES

The following activities have been booked for September to December by the **ESAO Field Consultants**. Any client interested in attending one or more of the following sessions or courses should directly contact the Field Consultant responsible for the activity. Should you have problems or concerns regarding a scheduled activity or wish to attend one, please contact your ESAO Field Consultant or the ESAO Toronto office at 1-877-732-3726 or via email at esao@esao.on.ca

Niagara - Bill Urie
(905) 312-9962

Basic Certification:
October 17, 18 & 19th, 2006
Brant Halidman Norfolk CSDB, 322 Fairview Drive
Brantford, ON
November 2, 10, 14, 2006
Grand Erie Board Offices, Board Room
349 Erie Ave. Brantford, ON

Client Network Meetings:
October 12, 2006
District School Board of Niagara, 191 Carlton St., 3rd floor meeting room
St. Catharines, ON

November 24, 2006
St. Catharines, ON – TBA

Workshop:
October 12, 2006
Inspection Workshop
District School Board of Niagara, 191 Carlton St., 3rd Fl. Meeting Room, St. Catharines, ON

Francophone – Alain Chenard
(613) 837-2042

Programme de Formation de Base à l'Agrément
23, 24, 25 octobre, 2006
Ottawa, ON

East – Jean-Guy Raymond
(613) 592-4491

Basic Certification:
September 26, 27, 28, 2006
Algonquin & Lakeshore District School Board
Kingston, ON

October 3, 4, 5, 2006
Carleton University, 1125 Colonel By Drive,
Ottawa, ON
Client Network Meeting:
November 7, 2006
TBA

Workshop:
November 9, 2006
Dealing with Difficult or Angry People
Cornwall Library, 2nd floor
45 Second St. E., Cornwall, ON

North East – Doug Bennett
(705) 476-7433

Basic Certification:
Oct. 31, Nov. 1 & 2, 2006
North Bay, ON

Client Network Meetings:
October 5, 2006
Sault Ste. Marie, ON

October 19, 2006
Sudbury, ON

October 26, 2006
Timmins, ON

November 9, 2006
North Bay, ON

Workshops:
September 12, 2006
Dealing with Difficult or Angry People
North Bay Literacy Council
301 – 347 Sherbrooke Street
North Bay, ON

October 4, 2006
Dealing with Difficult or Angry People, 9:00 am - noon
Algoma University College,
1520 Queen St. E., Sault Ste. Marie, ON

October 4, 2006
Working Alone, 1:00 -4:00 pm
Algoma University College,
1520 Queen St. E., Sault Ste. Marie, ON

November 14, 2006
Due Diligence for Supervisors
Cambrian College
1400 Barrydowne Road
Sudbury, ON

North West – TBA

Basic Certification:
October 31, Nov. 1 & 2, 2006
Thunder Bay CDSB, 2nd Floor Boardroom
115 West Mary St.,
Thunder Bay, ON
WHMIS Training:

November 6, 2006
Lakehead District School Board,
Jim McCuaig Education Center,
2135 Sills Street
Thunder Bay, ON

South West – Ed Hager
(519) 264-9738

Basic Certification:
October 16, 23 & 30
London Public Library, Central Branch,
Galleria Mall 3rd fl. Boardroom, London, ON

Client Meeting:
October 4, 2006
TBA

Workshops:
September 25, 2006
Dealing with a Difficult or Angry Person
Lakeshore Township Community Daycare
962 Old Tecumseh Rd., RR#1
Belle River, ON

October 24, 2006
Working Alone
Ciociaro Club
3745 North Talbot Road, RR#1
Windsor, ON

October 25, 2006
Accident Investigation Workshop
Avon Maitland DSB
62 Chalk St. N., Seaforth, ON

November 10, 2006
Dealing with a Difficult or Angry Person
Workshop
Woodstock Public Library
445 Hunter Street, Woodstock, ON

November 13, 2006
Dealing with a Difficult or Angry Person
Norwich Public Library
Norwich, ON

November 30, 2006
JHSC Effectiveness – Roles & Responsibilities
Avon Maitland DSB
62 Chalk St. N., Seaforth, ON

GTA East - Mike Atkinson
(416) 466-1923

Basic Certification:
October 13, 20, 27, 2006
Royal Ontario Museum
100 Queen's Park, Toronto, ON

November 7, 8 & 9, 2006
North York Memorial Community Hall



5110 Yonge St., Toronto, ON

December 11, 12 & 13
North York Memorial Community Hall
5110 Yonge St., Toronto, ON

Phase II
November 15 & 16, 2006
Centennial College, 1960 Eglinton Ave. E.,
Room 270
Scarborough, ON

WHMIS Train the Trainer
October 5 & 6, 2006
ESAO, 4950 Yonge St., Ste. 1505
Toronto, ON

GTA West: - Janice Gallant
(905) 785-3742

Basic Certification:
October 19, 20, 27, 2006
Halton Catholic DSB, 802 Drury Lane
Burlington, ON

WHMIS Train the Trainer:
November 2006
TBA

Workshop:
September 28, 2006
Workplace Inspection Workshop
Humber College, 205 Humber College Blvd.,
Toronto, ON

Central Lakes - David Roger
(705) 876-1001

Basic Certification:
October 24, 25 & 26, 2006
TBA - Peterborough, ON

Client Network Meeting:
November 13, 2006
Loyalist College, Wallbridge/Loyalist Road
Belleville, ON

Workshop:
October 30, 2006
Workplace Inspection Workshop
OCEA Fall Symposium, Deerhurst Resort
Huntsville, ON

Georgian Bay – TBA
(705) 526-1019

Workshops:
September 26, 2006
Workplace Inspection
YMCA Community & Employment Services
200 McNab Street, Walkerton, ON
September 27, 2006
Workplace Inspection

Bluewater District School Board
351 1st Ave. N.
Chesley, ON

September 27, 2006
Supervisory Due Diligence
Waterloo Region Children’s Museum
10 King Street W.
Kitchener, ON

November 7, 2006
Dealing with a Difficult or Angry Person
OAYEC Conference, Blue Mountain
Resort, Collingwood, ON

**Conferences We Will Be
Participating In**

September 28, 2006
**Schedule 2 Employers’ Group Conference
Working Alone Workshop**
Sheraton Parkway Hotel, Richmond Hill,
ON

October 19 & 20, 2006
Ontario Museum Association Conference
Days Inn Hotel & Conference Centre
Owen Sound, ON

October 25, 2006
IAPA Eastern Ontario Conference
Travelodge Hotel, Ottawa, ON

October 30, 2006
**OCEA Fall Symposium,
Workplace Inspection Workshop**
Deerhurst Resort Huntsville, ON

November 7, 2006
**OAYEC Conference,
Dealing with a Difficult or Angry Person
Workshop**
Blue Mountain Resort, Collingwood, ON

November 7-9, 2006
**Forum North
Slips and Falls Presentation**
Valhalla Inn
Thunder Bay, ON

November 16, 17 & 18
**Science Teachers’ Association of Ontario
Conference
Due Diligence and the Science Instructor**
Doubletree International Plaza Hotel
Toronto, ON

ESAO Offices & Staff

ESAO serves all Schedule 1 firms in the
WSIB rate groups **810 & 817**, as well as
Schedule 2 firms in the education sector.
Contact your ESAO Field Consultant for
more information on any courses or
products.

ESAO - Head Office: www.esao.on.ca
Tel: (416) 250-8005 or Fax: (416) 250-9190
Toll Free: 1-877-732-3726

Drive Carefully!
Next Newsletter: October

